

REMARKS/ARGUMENTS

Claims 1-14 are pending in this application. Claims 1, 5 and 8 have been rejected under 35 U.S.C. § 112 and claims 1-14 rejected under 35 U.S.C. § 103. Applicants have amended claims 1, 2, 5, 6, 7, 8, 10, 11, 12, 13 and 14 to more clearly define Applicants' claimed invention.

Applicants respectfully request reconsideration and allowance of the claims in light of the amendments and the following remarks.

Oath and Declaration

The Office Action states that the Oath and Declaration lists inventors: Angelo Toglia, Neil Chriss and Jeffrey Larson. (O.A. ¶ 2) Applicant filed a petition under 37 C.F.R. 1.47(a) on August 23, 2002 including a declaration signed by joint inventors Angelo Toglia, Neil Chriss, and Jeffrey Larson, but lacking signatures from joint inventors Michael Tari, Christopher Dias, Diarus Gagne and Michiya Handa. Pursuant to a Decision According Status Under 37 C.F.R. 1.47(a), this application was accorded Rule 1.47(a) status. Under MPEP 409.03(a) it is Applicant's standing that the declaration signed by inventors Toglia, Chris and Larson will be treated as being on behalf of the signing inventors, as well as "on behalf of the nonsigning inventors."

Specification

The Title of the invention has been objected to as not being descriptive. (O.A. ¶ 3) The Title has been amended and is believed to meet all requirements.

The Specification was objected to as containing acronyms which were not described, for example, the Office Action objected to the use of the term "HTML." (O.A. ¶ 4) The Specification has been amended and is believed to meet all requirements.

The Office Action objected to the use of the term "tradeable" and suggested an alternate spelling. (O.A. ¶ 5) Applicants respectively traverse this objection and refer to spellings provided by the American Heritage Dictionary of the English Language, Fourth Edition, 2004. 03 Jan. 2007 <dictionary.reference.com/browse/tradeable> and the Merriam-Webster's Dictionary of Law. 03 Jan. 2007 <dictionary.reference.com/browse/tradeable>

Rejection of Claims under 35 U.S.C. § 112

Claims 1, 5 and 8 have been rejected under 35 U.S.C. § 112 as lacking antecedent basis for certain claim terms. (O.A. ¶¶ 6-11) Claims 1, 5 and 8 have been amended and are believed to be in condition for allowance. Additionally, the Office Action objected to the term "trade on" as being confusing. Applicants suggest that this term is not confusing when read in light of the Specification (see p. 9, ll. 13-14: "During the Response Phase...only the RFP requestor...can trade on (i.e. hit bids/lift offers).").

Rejection of Claims under 35 U.S.C. § 103

The Office Action rejected claims 1-14 under 35 U.S.C. § 103 as being obvious over U.S. Patent No. 6,131,087 to Luke et al. ("Luke").

Luke discloses a method for automatically identifying and matching offer data with solicitation data by analyzing a variety of parameters. Luke, however, does not address the fundamental need to which the present invention is addressed – that is, the "need for a method and system which allows traders to jump start a market" (Specification p. 3, ll. 22-23) – and does not teach or suggest each element of the independent claims, i.e. claims 1, 8, 12 and 14. For example, Luke does not teach or suggest: (a) transmitting responses to the requestor, as well as all traders who have responded to the RFP, and (b) allowing only the requestor and traders who have responded to the RFP to trade on the responses during an exclusive period (described as an "action phase" in the Applicants' Summary of the Invention, page 3, ll. 24-26) as required by each of the independent claims (claims 1, 8, 12 and 14). This action phase may begin, for example, once the requestor's exclusive period for trading on responses expires.

Applicants acknowledge that the Office Action has asserted that the transmission of responses to all responders, and the "action phase," is disclosed in col. 6, ll. 12-55 and col. 9, l. 1 – col. 10, l. 34 of Luke. However, Applicants can find no such disclosure or suggestion in the cited sections (or in any of the prior art of record, including Luke). Accordingly, if the rejection is maintained, Applicants respectfully request that the basis for such rejection be made more specific.

Additionally, Luke does not teach or suggest providing an alert to each trader whose tradeable structure includes the RFP structure, as required by independent claim 8.

Dependent claims 2-7, 9-11 and 13, depend on independent claims 1, 8 and 12, respectfully, and are believed patentable, *inter alia*, by virtue of such dependency.

In view of the forgoing supporting remarks, Applicants respectfully request allowance of claims 1-14.

If the Examiner wishes to direct any questions concerning this application to the undersigned Applicants' representative, please call the number indicated below

Respectfully submitted,

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